

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) M.B.D. No. 05-mc-10339-NMG
)
MICHAEL GOLDSTEIN)

ASSENTED-TO MOTION TO EXCLUDE TIME

On August 8, 2005, U.S. Magistrate Judge Dein issued a criminal complaint in the matter of United States v. Michael Goldstein, Cr. No. 05-MJ-01091-JGD, which charges the defendant with violation of 18 U.S.C. §2423(b). The parties subsequently began good faith discussions regarding resolution of the case by agreement rather than by indictment and subsequently moved to continue the probable cause hearing from August 25 to September 26, 2005, which the court allowed on August 24, 2005. The government then moved with the defendant's assent to exclude the time encompassed by the continuance, which the court allowed on September 21, 2005. The hearing was then continued to October 17th, and then to November 1, 2005, at which time the defendant waived the issue of probable cause. Because the parties have continued their good faith discussions regarding resolution of the case, and expect to complete them within the next two weeks, the government now moves to exclude the time from September 26, 2005 to November 18, 2005. The government further moves that this Court find, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of the Plan for Prompt Disposition of Criminal Cases of this Court, that the ends of justice served by the continuances

granted by Judge Dein and the parties' discussions regarding resolution of the case outweigh the best interests of the public and the defendant in a speedy trial, and, accordingly, exclude the period of time for purposes of computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

Respectfully submitted,

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